

**NEW IBERIA MUNICIPAL FIRE
CIVIL SERVICE BOARD RULES**

RULE I

DEFINITIONS

The following words and phrases, when used in this set of rules, shall have the following meaning unless otherwise specified in the rule:

1. "Board" means the New Iberia Municipal Fire Civil Service Board.
2. "Civil service law" means Louisiana Revised Statutes 33:2471, et. seq. (Amendments).
3. "Employee" means all classified employees of the fire department.
4. "Member" means a member of the New Iberia Municipal Fire Civil Service Board.
5. "Members" means the members of the New Iberia Municipal Fire Civil Service Board.
6. "Regular and permanent employee" means an employee who has been appointed to a position in the classified service in accordance with civil service law after completing his/her working test.
7. "R.S." means Revised Statute of the State of Louisiana.

RULE II

CONDUCTING BOARD BUSINESS AT MEETINGS

Introduction of Business - business shall be brought before the board by either a motion of a member or by presentation of correspondence to the board. A motion is not needed and may not necessarily be made in order to receive reports from committees. The board may dispense with a motion in the ordinary routine of business. Any member may, however, object to dispensing a motion and then a motion would be required to continue.

Obtaining the Floor - before a member may make a motion, or address the board in discussion, it is necessary that he/she obtain the floor by addressing the chairperson.

Discussion of a Matter - before any subject is open to discussion a motion shall be made by a member who has obtained the floor and then the motion must be seconded. The board shall hear discussions from its members and others who are present at the meeting. All comments and discussions shall be directed to the chairperson.

Main Motions - a main motion shall be made in order to introduce an item to the board for consideration. A main motion shall be made by a member who has obtained the floor. A main motion cannot be made when any other motion is on the floor for discussion and/or vote.

Seconding Motions - a motion must be seconded in order to place the business before the board for discussion and/or a vote. If a motion is not seconded quickly, the chairperson shall ask if the motion is seconded. The chairperson may repeat the motion before calling for a second in order that all may hear the motion. If there is no second to a main motion the chairperson shall declare that the motion is dead due to the lack of a second. Once the motion is dead, a member may make another main motion on the matter.

Putting the question to the board for vote - the chairperson shall state the question that is before the board for consideration and ask if the board is ready to vote. If there are no more discussions, a vote is taken.

Voting - the members may vote on a matter before the board without discussion. The members may vote by voice, roll call of each member, or by general consent. When using general consent voting, the members show agreement by their silence to the chairperson stating that the motion on the floor will pass if there is not objection. If, however, a member objects, there must be a voice or roll call vote.

Motion to Table - the board may consider a motion to table a matter on the agenda until a later meeting. A member may, however, move to "take from the table" a matter that was previously tabled.

Motion to Adjourn the meeting - a member shall make a motion to adjourn the meeting.

RULE III

MEETING OF THE BOARD

SECTION 1: The board shall hold at least one regular meeting within each quarterly period of the calendar year. The board shall post notice of such meetings at the beginning of each calendar year. The notice shall state the date, time, and place of each quarterly meeting. The board may reschedule these quarterly meetings and may change the location of the meeting as provided in Sections 3 and 4 of Rule III. The board may also hold special meetings as may be called by the chairperson or as provided by Section 2 of Rule III.

SECTION 2: The board shall meet at any time upon the call of

the chairperson, who shall give all members at least a five (5) calendar day notice if it is a regular meeting and at least a twenty-four (24) hour notice if it is a special meeting. If the chairperson fails or refuses to call a quarterly meeting of the board, the members shall meet upon the written call of any two members mailed ten (10) calendar days in advance of the date of the meeting.

SECTION 3: Unless otherwise provided in the notice for such meetings, all meetings shall be held at New Iberia City Hall Council Chambers located at 457 East Main Street, New Iberia, Louisiana.

SECTION 4: Notice of regular and special meetings shall be given by posting such notice at the New Iberia City Hall Council Chambers or at the building in which the meeting is to be held.

Notice of regular meetings shall be posted not less than five (5) calendar days before the date fixed for such meeting. Notice of special meetings shall be posted not less than twenty-four (24) hours before the time fixed for such meeting.

Notice of regular and special meetings shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting. Notification of board meetings shall also be posted on the board's website, if the board has a website.

In accordance with R.S. 42:19, each item on the agenda shall be listed separately and with reasonable specificity. The agenda shall not be revised less than twenty-four (24) hours preceding a board meeting. Before the board may take any action on an agenda item at a meeting, the chairperson or his/her designee shall read aloud the description of the item.

Section 5: At a regular or special meeting, in accordance with R.S. 42:19, the board may take up a matter not on the agenda upon unanimous approval of the members present at the meeting. In order to add an item to the agenda, a motion must first be made to take up the matter and the motion must include, with reasonable specificity, the purpose for the addition to the agenda, and it must be entered into the minutes of the meeting. After the motion is seconded and prior to any vote on the motion to take up a matter not on the agenda, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14.

- SECTION 6: All board meetings shall be open to the public, except when the board meets in executive session as provided by R.S. 42:16 and R.S. 42:17.
- SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board except as follows. When there is no quorum only the following motions are allowed: the chairperson may move to call the meeting to order and then announce that there is no quorum and adjourn the meeting. Or the chairperson may move to call the meeting to order and then announce that there is no quorum and entertain a motion to recess in order to allow the members to try and obtain a quorum and for the members to set another meeting date and time. Once the meeting is called back to order and there is still no quorum, a motion shall be made to adjourn.
- SECTION 8: The chairperson shall vote on all matters before the board except in situations when he/she is required to recuse himself/herself as provided in R.S. 33:2501(D) and in accordance with the Louisiana Code of Ethics. The vice-chairperson shall act in the absence of the chairperson and shall be authorized to sign all board documents, as necessary.
- SECTION 9: The board secretary or another person designated for the purpose by the board chairperson, shall keep written minutes of all open meetings. The minutes shall include but shall not be limited to the date, time, and place of the meeting; the members recorded as either present or absent; a record of officials, attorneys, and others present; the substance of all matters decided by the board; a record of all motions and votes; and any other information that any member, the State Examiner, and others request to be discussed at the meeting and included in the minutes.

RULE IV

ORDER OF BUSINESS

- SECTION 1: At regular and special meetings the order of business may be as follows:
1. Call to Order
 2. Roll call of members present
 3. Adoption of the agenda
 4. Reading and approval of the minutes of previous meetings

5. Unfinished Business
6. New Business
7. Executive Sessions
8. Announcements
9. Adjournment

RULE V

EXECUTIVE SESSIONS

SECTION 1: In accordance with R.S. 42:16, the board may meet in executive session during regular or special meetings, by two-thirds vote of those present in order to discuss those matters which are exceptions to open meetings as provided in R.S. 42:17. Any voting on matters discussed in executive sessions shall be conducted only upon return to the public meeting.

The board may go into executive session to discuss an employee's character, professional competence, or physical or mental health only if such employee was notified in writing of the executive session discussion at least twenty-four (24) hours before the meeting, and such employee may request that the discussion be held in an open meeting.

RULE VI

APPLICATION FOR APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS

SECTION 1: Any person authorized to appeal to the board under the provisions of civil service law may demand, in writing, a hearing and investigation by the board to determine the reasonableness of the action taken. The board encourages employees to submit such an appeal by giving a statement of the action complained against, the basis of the appeal, and the relief sought. All petitions for appeals and other hearings and investigations must be signed by the petitioner or applicant or his/her counsel, if any. All petitions must include the full name, preferred mailing address, phone number, and email address of the petitioner or appellant and of his/her counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: Written petitions for appeals to the board under the provisions of R.S. 33:2501 shall be made only by regular and permanent employees in the

classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state.

Written petitions under the provisions of R.S. 33:2501 must be received by the board within fifteen (15) calendar days after the date the employee is notified of the discharge, corrective or disciplinary action. The fifteen (15) calendar day period shall begin the day after the employee is notified of the disciplinary action either verbally or in writing.

The board shall meet within thirty (30) calendar days after receipt of the written petition for a hearing under the provisions of R. S. 33:2501. The board shall review the petition in order to determine if the request complies with the provisions of civil service law and to consider granting the appeal. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the hearing. Although not required by civil service law, the board shall also notify the employee's attorney, the appointing authority's attorney, and the fire chief.

SECTION 3: All other written petitions for hearings and investigations pursuant to civil service law not otherwise provided for under R.S. 33:2501 shall set forth the section of the civil service law under which the petition is brought. The board shall institute and conduct such hearings and investigations in accordance with civil service law and the New Iberia Municipal Fire Civil Service Board Rules.

Written petitions showing just cause for hearings and investigations by the board as provided for in civil service law shall be granted at the first board meeting following receipt of the petition or at a special meeting as provided in Rule III, Section 2. Investigations conducted under the provision of R.S. 33:2477 (4) and (5) shall be completed within sixty (60) calendar days of the board's receipt of the petition. Investigations into prohibited political activity pursuant to R.S. 33:2504(B) shall be completed by the board within thirty (30) days after receiving written charges for violations of R.S. 33:2504.

SECTION 4: The secretary of the board shall cause the date of filing of all hearings and investigations to be noted on each notice of the hearing and shall file

said hearing on the hearings docket, giving the said hearing an appropriate title.

RULE VII

DISMISSAL AND CONTINUATION OF APPEALS HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS CONDUCTED BY THE BOARD

- SECTION 1: Requests to reschedule appeal hearings against disciplinary action and other hearings and investigations shall be made in writing and submitted to the board secretary. The secretary shall immediately report such requests to the board chairperson and place requests on the agenda for the next meeting. The board shall act on such requests as it determines to be for cause and in the public interest under the circumstances.
- SECTION 2: If the appellant or his/her attorney request the continuance of an appeal hearing for disciplinary action under the provisions of R.S. 33:2501, the board may require a stipulation of the employee receiving no back pay after the original date set for the hearing.
- SECTION 3: If the appellant fails to appear at the place and time fixed for any hearing, his/her appeal may be dismissed. If either the appointing authority or the appellant fails to appear at the place and time fixed for any hearing, the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon the preponderance evidence as may be adduced at the hearing.
- SECTION 4: If, at the appointed time for a hearing, the board does not have a quorum present, or finds other cause for not proceeding at that time, the hearing shall be rescheduled. If an appeal or other hearing is not completed at one meeting, the hearing shall be continued at another meeting. The board shall notify all pertinent parties of the rescheduled hearing date.

RULE VIII

PROCEDURES ON APPEAL HEARINGS AND OTHER HEARINGS AND INVESTIGATIONS

- SECTION 1: All hearings on appeals and investigations shall be open to the public except when the board goes into executive session as provided for in R.S. 42:16 and R.S. 42:17. The board shall have complete charge of all hearings and investigations that come before

the board, and may conduct them in any manner it deems advisable, without prejudice to any person or party thereto. The procedures followed shall be informal and not necessarily bound by the legalistic rules of evidence.

SECTION 2: In accordance with R.S. 33:2501(D), any member of the board who is the immediate supervisor or direct work associate of any officer or employee appealing removal, suspension, demotion, discharge, or any other disciplinary action by the appointing authority and who is directly involved in the incident out of which such action arose shall recuse himself/herself from voting on any decision by the board to affirm, reverse, or modify the order of the appointing authority. Also, any member of the board who is an immediate family member of the appealing employee shall recuse himself/herself from voting on any such decision. For purposes of this section, immediate family member shall mean any parent, child, sibling, or spouse.

If such recusal by a member of the board results in the inability of the board to reach a decision by the concurring votes of four members, the board shall be considered to have affirmed the action of the appointing authority.

SECTION 3: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by an attorney, the board shall be notified as soon as counsel is retained. Notification must provide the full name, preferred mailing address, phone number, and email address of the attorney. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 4: Rulings on procedural matters shall normally be made by the board chairperson, and parties and attorneys appearing before the board shall not have the right to require a vote of the full board on particular procedural matters arising during the progress of a hearing. A vote of the full board shall be conducted on any matter at any time upon the motion of two members. In the event of a tie vote, the motion fails and the hearing shall proceed forthwith unless another motion is made.

SECTION 5: The rules of evidence as applied in civil trials before the courts of this state shall not be strictly compiled with, but the board shall limit evidence to matters having a reasonable relevance

to the issues before the board. The burden of proof shall be on the appointing authority except in those cases where, (1) an employee is alleging that he/she was not given a fair opportunity to prove his/her abilities in his/her position after the appointing authority has failed him/her in his/her working test period as provided for in R.S. 33:2495 and, (2) when the employee alleges discrimination based on political or religious beliefs, sex, or race.

SECTION 6: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. In appeal hearings against disciplinary action, the appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.

SECTION 7: The board shall, on request of any party or on its own motion, sequester witnesses and thus exclude them from the hearing room. The board may instruct witnesses to cease all discussions of the matter that is before the board.

SECTION 8: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least fifteen (15) calendar days before the date fixed for the hearing. The request for a subpoena of a witness shall contain the name of the witness, the street address at which the witness may be served, the purpose of the subpoena, and what evidence or testimony is sought by the issuance of the subpoena. The request for a subpoena for books or papers shall contain a description of the items to be produced in sufficient detail for identification, the name of the custodian of such records, the street address of the custodian, the purpose of the subpoena, and what evidence or testimony is sought by the issuance of the subpoena.

Each board member shall have the power to subpoena witnesses and compel the production of books and paper without compensation. The board may serve such subpoenas in any manner it deems appropriate. The board may hire an outside entity to serve subpoenas and the cost shall be billable to the City of New Iberia.

A subpoena service fee shall be required for each subpoena requested after the first four (4) in

order to cover all cost incurred per subpoena. Any party may request an estimate of the subpoena fees from the civil service board prior to requesting the subpoena. The subpoena fee shall be submitted to the board at the time of the request for the subpoena. The fee shall be paid in the form of a money order or cashier's check payable to the City of New Iberia. If the subpoena fee is not provided to the board, the board shall not consider the subpoena request.

SECTION 9: All parties, or their attorneys, shall state their names and addresses for the record, and shall be permitted to give a brief preliminary statement.

Section 10: All persons who will offer testimony or make statements of fact during the hearing shall be sworn. This may be done as a group at the outset of the hearing or individually as they are called to testify. Every statement of fact made at any time during the hearing by any person after having been thus sworn shall be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of a general discussion.

Section 11: An effort shall be made to complete the questioning of each witness by all parties before beginning the questioning of the next witness. However, the board's hearings may sometimes be expedited by a discussion type interrogation involving more than one witness at a time and this shall be permitted upon occasion within such limitations as the board may find necessary or desirable in a particular case.

Section 12: Information available from a particular witness may be received in narrative form, by question and answer, or otherwise as may be directed by the board from time to time.

Section 13: Documentary evidence shall be filed with and marked for identification by the secretary of the board, or another person designated for the purpose by the board chairperson.

Section 14: At the conclusion of the hearing or investigation and before any motions, the board may, in its discretion, hear oral argument, imposing such time limits as it deems appropriate. If the proceedings are being transcribed by an official reporter, the oral argument may or may not be transcribed and bound with the transcript of testimony as the board may direct.

Section 15: In reviewing disciplinary action taken against an employee, the board shall determine if the disciplinary action was taken in good faith and just cause, and, if so, whether the punishment imposed is commensurate with the infraction. The board shall determine if the employee's conduct impaired the efficient operation of the fire department.

After the conclusion of the hearing or investigation, if the board finds that the action taken by the appointing authority was with good faith and just cause and the punishment imposed was commensurate with the infraction, the board shall affirm the action of the appointing authority.

If the board finds that the action taken by the appointing authority was with good faith and just cause but the punishment was not commensurate with the infraction, the board shall modify the action of the appointing authority. The board shall modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay for a given period, a reduction in pay to the rate prevailing for the next lower class, a reduction or demotion to a position of any lower class and to the rate of pay prevailing thereof, or such other lesser punitive action that may be appropriate under the circumstances.

If the board finds that all of the disciplinary action taken was not with good faith and just cause, the board shall overturn the action of the appointing authority. The board shall order the immediate reinstatement of such individual in the office, place, position, or employment from which he/she was removed, suspended, demoted, or discharged. The reinstatement shall, if the board so provides, be retroactive and entitle him/her to his/her regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action.

If the board finds that the appointing authority violated any part of the Louisiana Fire Service Bill of Rights and the individual was not afforded his/her due process in accordance with R.S. 33:2181.C the board shall declare the action to be an absolute nullity, and overturn the action taken by the appointing authority.

Section 16: In the case of a tie vote and no board member recused himself/herself under the provisions of R.S. 33:2476(M) and Section 2 of Rule VIII, the

board shall not have reached a decision. The board shall set a new date for the appeal hearing and rehear the case, allowing for any additional admissible evidence, and render a decision that would be appealable to the district court. The board shall notify the employee and the appointing authority of the date, time, and place of the hearing at least ten (10) calendar days in advance of the date set for the new hearing. The board shall also notify the employee's attorney, the appointing authority's attorney, and the respective chief, but is not required by law.

Section 17: The decision of the board together with the board's written finding of fact, shall be certified in writing to the appointing authority for enforcement.

Section 18: Any employee and the appointing authority may appeal from any decision of the board or from any action taken by the board under the provisions of civil service law which is prejudicial to the employee or appointing authority. This appeal shall lie direct to the court of original and unlimited jurisdiction in civil suits of Iberia Parish. This appeal shall be taken by serving the board, within thirty (30) calendar days of its decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decisions, be filed with the designated court. The board shall, within ten (10) calendar days after the filing of the notice of appeal, make, certify and file the complete transcript, if available, with the designated court.

RULE IX

TRANSCRIPTS OF HEARINGS

SECTION 1: The board shall not be required to have the testimony of a hearing or investigation by the board taken and transcribed. If any party to the hearing desires a permanent transcript of any hearing, the party shall furnish a court reporter for said purpose at the party's own expense. The party furnishing a court reporter shall be responsible for payment to the court reporter.

Where a court reporter is furnished and the proceedings are transcribed, the first copy of the original of the transcript shall be filed with the

board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board shall issue a written finding of fact. Any party may request a copy of the minutes of the hearing, and, if recorded, a copy of the recording.

RULE X

APPLICATION FOR ADMISSION TO TEST

- SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with R.S. 33:2492. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen (18) months.
- SECTION 2: Applications for admission to tests on board approved forms, shall be received only by those individuals designated by the board at any time before final date for receiving applications. Applications filed with persons other than those designated to receive them shall not be considered to have been filed with the board until submitted to such designated persons. Individuals designated to receive applications shall forward such applications to the board secretary, which shall be kept as a permanent record of the board. The board shall reject all applications filed after the time fixed for closing date for receipt of applications as announced in the public notice of the tests. Approved applicants shall be notified at least five (5) calendar days in advance of the date fixed for the exam.
- SECTION 3: Competitive employment lists shall be maintained by the board for eighteen (18) months. Promotional employment lists shall be maintained by the board for forty-eight (48) months.
- SECTION 4: Admission to tests shall be governed by provisions of R.S. 33:2493 and the qualification requirements of the classification plan of the board. In the event of a demonstrated need for an eligibility list, the board may waive any requirement in the classification plan deemed necessary in order to establish a qualified pool of applicants for testing. A demonstrated need is established when

an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: A classified employee who was unable to apply for and/or missed a promotional examination due to his/her placement on military leave with or without pay may apply for such examination upon his/her return. It is the employee's responsibility to contact the board in order to determine if he/she missed a promotional examination.

In order to be eligible for admission to a promotional examination, the employee must have been on military leave during the entire thirty (30) day posting period for the examination. The employee must have met all the qualification requirements for the examination as posted by the board and would have been approved for admission to the examination if he/she had not been on military leave. Or, if the employee had submitted an application and was approved to be admitted to the examination, he/she must have been on military leave on the date of the examination.

If the employee did not have an opportunity to submit an application, the employee shall submit his/her application and all required attachments to the board within thirty (30) calendar days following his/her return to duty with the fire department. If the employee had submitted an application and was approved to be admitted to an examination and was on military leave on the date of the examination, the employee must submit a request to take the examination within thirty (30) calendar days following his/her return to duty with the fire department.

When the board receives an application for admission to an examination or a request to take an examination from an employee who was on military leave it shall review such at its next regular meeting. If the application or request is approved, the board shall contact the Office of State Examiner in order that the examination may be scheduled. Such examinations shall be administered by the Office of State Examiner at their Baton Rouge office. The board shall notify the employee at least five (5) calendar days in advance of the date fixed for the exam.

SECTION 6: When the results of any examination are furnished to the board by the Office of State Examiner for approval, the board shall consider such approval at

its next regular meeting. However, the board chairman shall call a special meeting within fifteen (15) calendar days for consideration of approval of the results of any examination needed for a vacancy that has been filled by a provisional appointment. Employment lists shall become effective upon approval of and by a majority vote of the board. The board shall file a copy of the approved grades with the Office of State Examiner which shall include the signature of the chairperson and the date of the board's approval.

RULE XI

RULES OF THE BOARD - ADOPTION AND AMENDMENT OF THE CLASSIFICATION PLAN AND BOARD RULES

- SECTION 1: The board shall adopt, amend and maintain a classification plan that shall consist of classes designated by class titles for all positions in the classified fire service. The board shall adopt, amend, and maintain a set of board rules necessary to carry out effectively the provisions of civil service law and to provide for leaves of absence for the classified fire employees. The classification plan and the board rules shall be maintained as rules of the board and shall have the force and effect of law.
- SECTION 2: The board shall approve proposed revisions to its classification plan or board rules at a public hearing. The board shall hold a public hearing to consider amending the rules of the board. The board shall provide notification of the hearing, including a copy of the current classification plan or board rule(s) and the proposed classification plan or board rule(s) for a period of not less than thirty (30) calendar days prior to the date set for the public hearing. Such notice shall be posted at the place of the hearing and shall be provided to the New Iberia City Council, mayor, the fire chief, the state examiner, and any other party whom the rule may in anyway effect. Such notice shall also be posted for the same period at each fire station and building occupied by employees of the classified service.
- SECTION 3: The board shall hold a public hearing at which time any city officer, employee, private citizen, or the state examiner's office should be given the opportunity, in person or via written correspondence to offer comment as to why such rule or any part thereof should not be adopted.

- SECTION 4: Within thirty (30) calendar days after adoption of amendments to the rules of the board, the board shall provide one copy of such to the governing authority, the appointing authority, the fire chief, the State Examiner, each board member, and to the fire department for duplication and distribution to each station and building occupied by the employees of the classified service.
- SECTION 5: A copy of the classification plan or board rules shall be given to any person requesting such.

RULE XII

LEAVES OF ABSENCE

SECTION 1: Leaves of Absence

- A. Leaves of absence are classified as follows:
1. Leave of absence with pay
 2. Leave of absence without pay
 3. Absence without leave and pay
Absence without leave and pay (AWOL) occurs when an employee does not report to work on his/her assigned work shift and did not receive permission to take time off and is in a non-approved and non-pay status. Any employee who is absent without leave and pay may be subject to disciplinary action, up to and including termination.
- B. Annual Leave
1. Each full time employee of the classified fire service shall be entitled to annual leave with full pay after having served one (1) year with the New Iberia Fire Department in accordance with Table 1.
 2. Employees shall not be required to use their annual vacation days on days that they are not scheduled to work.
 3. The vacation privileges herein provided for shall not be forfeited by any member of the fire department for any cause.
 4. The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in R.S. 33:2497.

TABLE 1 - FIRE DEPARTMENT ANNUAL LEAVE		
Years of Service	40 Hour/Week Employees (Hours per year)	24-Hour Shift Employees (Hours per year)
1 to 10 years	144 hours	216 hours
11 years	160 hours	240 hours
12 years	160 hours	240 hours
13 years	176 hours	264 hours
14 years	176 hours	264 hours
15 years	192 hours	288 hours
16 years	192 hours	288 hours
17 years	208 hours	312 hours
18 years	208 hours	312 hours
19 years	224 hours	336 hours
20 years	224 hours	336 hours
21 years	240 hours	360 hours
22 years and more	240 hours	360 hours

C. Sick leave:

1. Each employee of the classified fire service shall be entitled to and given, with full pay, sick leave not less than fifty-two (52) weeks for any sickness or injury or incapacity not brought about by the employee's own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee.
2. Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.

3. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform the duties of her position as assigned by the appointing authority.

D. Attendance Incentive Leave

Twenty-four (24) hour shift employees who have not used any sick leave in a calendar year shall receive 48 hours (4 calendar days) off with pay in the following calendar year.

Forty (40) hour a week employees who have not used any sick leave in a calendar year shall receive 32 hours (4 calendar days) off with pay in the following calendar year.

This leave with pay shall be in addition to annual leave.

E. Funeral Leave

1. Definitions

Work shift shall be defined as a continuous period of duty which may cover parts of two calendar days.

Calendar day shall be defined as a continuous 24-hour period of time from midnight to midnight upon which a work shift may fall.

2. Members of an employee's immediate family shall be defined to include the employee's spouse, children, step-children, mother, father, sister, and brother.

3. 24-hour shift employees: funeral leave in the event of a death of a member of the employee's immediate family shall be authorized without loss of pay or leave time not to exceed two (2) consecutive work shifts (4 calendar days).

40 hour a week employees: funeral leave in the event of a death of a member of the employee's immediate family shall be authorized without loss of pay or leave time not to exceed four (4) consecutive calendar days.

4. Members of an employee's extended family

shall be defined to include the employee's grandmother, grandfather, mother-in-law, father-in-law, sister-in-law, and brother-in-law.

5. 24-hour shift employees: funeral leave in the event of a death of a member of the employee's extended family shall be authorized without loss of pay or leave time not to exceed one (1) work shift (2 calendar days).

40 hour a week employees: funeral leave in the event of a death of a member of the employee's extended family shall be authorized without loss of pay or leave time not to exceed two (2) consecutive calendar days.

6. Funeral leave in the event of a death of an individual other than the employee's family members listed in numbers 2 and 4 shall be authorized without loss of pay or leave time not to exceed four (4) hours in order to attend the funeral.
7. Employees shall not be required to use their funeral leave on days that they are not scheduled to work.

F. Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take any civil service examination to which he/she has been approved for admission by the New Iberia Municipal Fire Civil Service Board.

Provisional employees are granted "leave of absence with pay" to take a municipal fire civil service examination for the class that they hold provisionally.

G. Civil Leave

Each employee of the classified service shall be granted leave of absence with pay when ordered to jury duty. If an employee is subpoenaed as a witness in any court proceeding, civil service hearing, or in proceedings of other duly authorized public body, such classified employee shall be granted leave of absence with pay for any period of time his/her presence and availability is demanded. If an employee is

subpoenaed for departmental business while on duty, the employee will be allowed time away from his/her assigned duties in accordance with departmental policies. Civil leave shall not be used for absences incurred because of court attendance relating to personal affairs. Civil leave of absence with pay may be granted in order to participate in emergency or civilian duty in connection with national defense or homeland security.

H. Civil Service Board Attendance

The fire department member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations, or other official business of the civil service board.

I. Military Leave with Pay

Any member of the classified service shall be authorized to take leave without loss of pay, time, annual leave, or efficiency rating on all days during which he/she is ordered to duty with troops or at field exercises, or for instruction required by membership of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens Military Training Corps, the Civil Air Patrol, or the Coast Guard Reserve, either as officers or enlisted personnel, for a maximum of fifteen (15) days in any one calendar year, as provided by R.S. 42:394.

J. Military Leave without Pay

1. Any member of the classified service, except as provided in number 3, who leaves employment in order to perform voluntary or involuntary service in the uniformed services of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, reserve military personnel, members of the National Disaster Medical System as specified in federal law, and other category of persons designated by the President in time of war or national emergency, shall be given any leave due the employee in

Sub-section I. Should the employee have used all leave to which he/she is entitled (in Sub-section I), he/she shall be granted military leave without pay until he/she returns to duty.

2. Any such employee may request and shall be granted any unused annual leave or compensatory leave. An employee cannot be required to use such leaves of absence.
3. An employee serving in a provisional appointment who is not a regular and permanent employee shall not be granted military leave without pay. He/she shall be required to resign or be separated from the service.
4. A recruit serving in formal training who has been placed on military leave without pay for thirty (30) days or more shall have his/her formal training interrupted for the duration of the military leave. The employee shall resume his/her formal training the day he/she reports to active duty with his/her respective department. The time the employee served in his/her formal training prior to the interruption and the time the employee serves in the formal training after it is resumed will be used in calculating the total time served in his/her formal training. The employee must meet the requirements of R.S. 33:2495.1 prior to beginning his/her working test.
5. A probational employee serving in a working test who has been placed on military leave without pay for thirty (30) days or more shall have his/her working test interrupted for the duration of the military leave. The employee shall resume his/her working test the day he/she reports to active duty with his/her respective department. The time the employee served in his/her working test prior to the interruption and the time the employee serves in the working test after it is resumed will be used in calculating the total time served in his/her working test. The employee must meet the requirements of R.S. 33:2495 prior to confirmation as a permanent employee in his/her respective

class.

6. An employee who has his/her formal training or working test interrupted due to military leave shall be made whole at the completion of such periods. The employee's records shall reflect the date he/she would have completed his/her formal training or working test had he/she not been on military leave. The employee's seniority date, if required, shall be adjusted to reflect the date he/she would have begun accruing seniority had he/she not been on military leave.
7. The appointing authority shall report military leaves of absence without pay, interruption of formal training and working test, and resuming the formal training and working test to the board within fifteen (15) days of the effective date of action.

K. Personal Leave

Each member of the classified service may apply to the appointing authority for personal time off when such time off shall not exceed two (2) calendar days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

L. Special Leave - Seniority

Special leave of absence, with or without pay, may be granted by the appointing authority for a period not to exceed one (1) year where such leave is determined to be in the departmental interest. Notification of the board shall not be required for special leave with pay for a period not to exceed thirty (30) consecutive days. Where special leave of absence may be granted with or without pay for a period greater than thirty (30) consecutive days, the board shall be notified in writing of the complete reasons therefor at least thirty (30) days prior to the effective date of the leave of absence. In the event that special leave of absence without pay may be granted for more

than thirty (30) consecutive days, the board shall determine whether departmental seniority is to be interrupted or continued.

Before beginning special leave, the employee shall be required to first exhaust all accumulated annual and compensatory leave. Such leave shall not be granted in lieu of military leave or other leave of absence, as otherwise provided in these rules. However, special leave of absence may be applied in emergency situations in which employees may be called to serve in a non-military capacity in relation to national defense and homeland security. Under no circumstances shall such special leave be granted for the purpose of engaging in other employment.

M. Leave for Specialized Disaster Service Volunteer

1. Any employee who is a trained disaster volunteer of the American Red Cross may be granted leave from his/her regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at Level III or above in the American Red Cross Regulations and Procedures.
2. Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee as a trained American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

N. Family Medical Leave (Public Law 103-3)

1. Notwithstanding the provisions of Subsection 2.b. (Military FMLA Leave):
 - a. Eligibility for Family Medical Leave

shall be extended to classified employees of the fire service who have worked a total of at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of the leave.

- b. A classified employee who is a returning uniformed service member protected under the USERRA shall be eligible if, but for his or her military service, the employee would have worked a total of at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of the leave.
2. a. Regular FMLA Leave - Employees of the classified service shall be eligible for up to twelve (12) workweeks of unpaid leave due to:
- I. birth and care of eligible employee's child;
 - ii. placement for adoption or foster care of a child with the employee;
 - iii. care of an immediate family member (spouse, child, parent) who has a serious health condition;
 - iv. care of the employee's own serious health condition;
 - v. because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is covered member on active duty or has been notified of an impending call or order to active duty, in support of contingency operation, or;
 - vi. other reasons provided in Public Law 103-3.

Not more than twelve (12) weeks of the combined total may be applied to regular FMLA leave during any single twelve-month period.

- b. Military FMLA Leave - Employees of the classified service shall be eligible for up to twenty-six (26) workweeks of unpaid leave in order

to care for a covered service member with a serious injury or illness, as provided in Public Law 103-3. Such service member shall be defined as:

- I. a member of the armed forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;
- ii. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the armed forces (including the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The combined total of military FMLA leave and regular FMLA leave shall not exceed twenty-six (26) weeks during a single twelve-month period.

3. Spouses employed by the same department shall be limited in the amount of FMLA leave to a combined total of twelve (12) weeks of regular FMLA leave or twenty-six (26) weeks of military FMLA for the following reasons:
 - a. the birth and care of a newborn child
 - b. placement of a child for adoption or foster care
 - c. to care for a patient who has a serious health condition
4. At the discretion of the appointing authority, FMLA leave may run concurrently with paid leave, as follows:
 - a. Paid sick leave, only when such leave is necessary for the care of the employee's own serious health condition.

- b. Compensatory and/or paid annual leave, when such leave is necessary for all other FMLA reasons. Compensatory leave shall be exhausted prior to using annual leave.
 - 5. When paid leave is exhausted, an employee shall be entitled to the remaining unpaid FMLA leave, if any, to which he/she is entitled.
 - 6. Accrual of departmental seniority while on FMLA leave shall continue only when FMLA leave is run concurrently with paid leave. Unpaid FMLA leave shall be served without credit for departmental seniority.
- O. Administrative leave with pay

The appointing authority may grant administrative leave with pay for periods not to exceed sixty (60) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may otherwise be required under department policies and procedures. This period may be extended up to an additional sixty (60) day period with prior approval of the civil service board, when circumstances warrant such extension. Administrative leave shall be terminated upon the employee being ordered to return to active duty or upon the appointing authority affecting disciplinary action, whichever occurs first.

P. Expiration of Leave

Any employee who fails to report for duty upon the expiration of any authorized leave may be considered to be absent without leave and pay and may be subject to disciplinary action, up to and including termination.

NI	03-12-54
Rev	07-15-55
	03-20-75
	03-31-82
	04-04-84
	03-08-95
	04-29-96
	05-14-14